

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA

V.

VICTOR GUILLERMO LIRA-AVALOS

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CASE NO. 1:22-CR-00267

REQUEST FOR NOTICE OF EXTRANEIOUS OFFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, VICTOR GUILLERMO LIRA-AVALOS, the Defendant in the above styled and numbered cause, pursuant to the Fifth, Sixth and Fourteenth Amendments of the United States Constitution, Article 1, Sections 10 and 19 of the Texas Constitution, Rules 404(b) and 609(f) of the Federal Rules of Evidence and moves the Court to order the prosecution to give the Defendant written notice prior to trial of any extraneous offense or other act or conduct of the Defendant not the subject of this indictment/information/complaint which the Government intends to introduce into evidence against the Defendant, or that the Government intends to use as relevant conduct evidence for sentencing purposes. Failure to inform the Defendant of those extraneous allegations will deprive him/her of notice of the charge against him/her such that he/she cannot adequately prepare for trial, nor be protected from being held twice in jeopardy for the same charge, in derogation of his/her right to notice of the charge against him/her and due process of law as guaranteed to him/her by the Fifth, Sixth and Fourteenth Amendments of the United States Constitution and Article I, Sections 10 and 19 of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the Court order the prosecution to inform defense counsel in writing, prior to trial, of any extraneous offense, act

or conduct not alleged in the indictment/information/complaint, which the state intends to introduce into evidence.

Respectfully submitted,
LAW OFFICE OF EDDIE LUCIO

/s/ Eddie Lucio
Eddie Lucio
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Attorney for Defendant

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on April 22, 2022 I have conferred with the Assistant U.S. Attorney, David A. Lindenmuth, about this Request For Notice of Extraneous Offenses.

/s/ Eddie Lucio
Eddie Lucio

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April 2022, a copy of the foregoing Request For Notice of Extraneous Offenses was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties.

/s/ Eddie Lucio
Eddie Lucio